

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

BRUCE SANDERS

CIVIL ACTION NO. 07-1207

versus

JUDGE HICKS

DIEFFENBACHER
GMBH & CO. KG, ET AL.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

The wrongful death and survival petition filed in state court was removed based on an assertion of diversity jurisdiction. Before the court is a **Motion to Intervene (Doc. 22)** by **Liberty Mutual Insurance Co.**, which seeks reimbursement of the workers' compensation benefits it paid related to the underlying workplace accident.

The complaint in intervention requires diversity of citizenship between the intervenor and the defendants. Dushane v. Gallagher Kaiser Corp., 2005 WL 1959151 (W.D. La. 2005). Accordingly, the citizenship of the relevant parties, including corporations, must be set forth affirmatively and distinctly. Guillory v. PPG Industries, Inc., 2006 WL 861011, n. 3 (W.D. La. 2006).

Liberty Mutual, in its proposed complaint in intervention, describes itself as a "foreign insurer authorized to do and doing business within the State of Louisiana," but that is not sufficient. Liberty Mutual, as a corporation, must state with specificity (1) the state in which it is incorporated and (2) the state in which it has its principal place of business. Getty Oil Corp. v. Insurance Company of North America, 841 F.2d 1254, 1259 (5th Cir. 1988).

The **Motion to Intervene (Doc. 22)** is **granted**, and Liberty Mutual's Complaint in Intervention will be filed. Liberty Mutual is permitted until **October 23, 2007** to file a **Motion for Leave to Amend the Complaint in Intervention**, accompanied by a proposed amended complaint that includes the specific citizenship allegations for Liberty Mutual. Failure to comply with this order may result in dismissal without prejudice of the complaint in intervention or even the entire civil action. See Dushane.

THUS DONE AND SIGNED at Shreveport, Louisiana, this 9th day of October, 2007.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE